



IFW  
10/758,366

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CERTIFICATE OF MAILING**

I hereby certify that on April 14, 2005, which is the date I am signing this certificate, I am depositing this correspondence the United States Postal Service, first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Jessica Brown

**Applicant:** David C. GORDON & Gerald E LOEB

**Serial No.:** 10/758,366

**Filed:** January 15, 2004

**Title:** TREATMENTS FOR SNORING USING INJECTABLE NEUROMUSCULAR STIMULATORS

**Atty. Docket No.** 064693-0087

**Examiner:** Unknown

**Group Art Unit:** 1614

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.56**

Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, Applicant brings the references listed on the attached Form PTO-1449 to the examiner's attention. 37 C.F.R. § 1.56. These references may be material to examination of the above-identified application. Please do not construe the filing of this information disclosure statement as a representation that applicant has made a search (37 C.F.R. § 1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. We are not enclosing copies of the cited patent documents.

This Information Disclosure Statement is being submitted:

- ☒ 1. Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or before the mailing date of a first Office action on the merits, and therefore, Applicant believes no fee is required;
- ☐ 2. After the period specified in paragraph (1) hereinabove of this section, but is being filed before the mailing date of either a final action under 37 CFR 1.113, or a notice of allow-

ance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and is accompanied by one of the following:

- ☐ (a) A statement that either:
  - (i) Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

  - (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;

OR

- ☐ (b) The fee of \$180 for filing of an Information Disclosure Statement as set forth in 37 C.F.R. 1.17(p).
- ☐ 3. After the period specified in paragraph (2) of this section, but is filed on or before payment of the issue fee and is accompanied by both:
- ☐ (a) A statement that either:
    - (i) Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

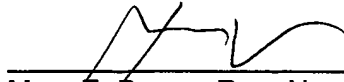
    - (ii) No item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement;
  - ☐ (b) The fee of \$180.00 for filing of an Information Disclosure Statement as set forth in 37 CFR 1.17(p).

Applicant would appreciate the Examiner initialing and signing a copy of Form PTO-1449, transmitted herewith, indicating that the information has been considered and made of record herein.

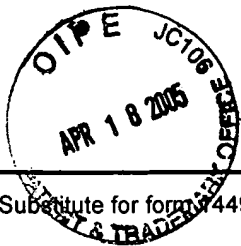
In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the

cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 501946** referencing order number 064693-0087.

April 14, 2005

  
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Substitute for form 449A/PTO <b>INFORMATION DISCLOSURE          STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/758,366
				Filing Date	January 15, 2004
				First Named Inventor	David C. GORDON
				Art Unit	1614
				Examiner Name	Unknown
Sheet	1	of	2	Attorney Docket Number	64693-0087

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number -Kind Code <sup>2</sup> (if known)	Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	1	US-2,711,729	06-28-1955	HOFMANN
	2	US-3,773,051	11-20-1973	HOLCOMB et al.
	3	US-3,796,221	03-12-1974	HAGFORS
	4	US-3,924,641	12-09-1975	WEISS
	5	US-4,220,142	09-02-1980	ROSEN et al.
	6	US-4,506,666	03-26-1985	DURKAN
	7	US-4,612,934	09-23-1986	BORKAN
	8	US-4,827,935	05-09-1989	GEDDES et al.
	9	US-4,830,008	05-16-1989	MEER
	10	US-5,158,080	10-27-1992	KALLOK
	11	US-5,178,156	01-12-1993	TAKISHIMA et al.
	12	US-5,190,053	03-02-1993	MEER
	13	US-5,281,219	01-25-1994	KALLOK
	14	US-5,284,161	02-08-1994	KARELL
	15	US-5,522,862	06-04-1996	TESTERMAN et al.
	16	US-5,540,731	07-30-1996	TESTERMAN
	17	US-5,540,732	07-30-1996	TESTERMAN
	18	US-5,540,733	07-30-1996	TESTERMAN et al.
	19	US-5,549,655	08-27-1996	ERICKSON
	20	US-5,591,216	01-07-1997	TESTERMAN et al.
	21	US-5,678,535	10-21-1997	DIMARCO
	22	US-5,725,564	03-10-1998	FREED et al.
	23	US-5,792,067	08-11-1998	KARELL
	24	US-5,891,185	04-06-1999	FREED et al.
	25	US-5,911,218	06-15-1999	DIMARCO
	26	US-5,987,359	11-16-1999	FREED et al.
	27	US-6,099,479	08-08-1999	CHRISTOPHERSON et al.
	28	US-6,125,300	09-26-2000	WEIJAND et al.
	29	US-6,132,384	10-17-2000	CHRISTOPHERSON et al.
Examiner Signature			Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language translation is attached.

<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>		
				<b>Application Number</b>	10/758,366	
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				<b>Art Unit</b>	1614	
				<b>Examiner Name</b>	Unknown	
Sheet	2	of	2	<b>Attorney Docket Number</b>		64693-0087

U.S. PATENT DOCUMENTS OR PUBLICATIONS				
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number -Kind Code <sup>2</sup> (if known)	Issue Date or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	30	US-6,198,870	03-06-2001	KUBOTA et al.
	31	US-6,212,435	04-03-2001	LATTNER et al.
	32	US-6,250,307	06-26-2001	CONRAD et al.
	33	US-6,269,269	07-31-2001	OTTENHOFF et al.
	34	US-6,273,859	08-14-2001	REMMERS et al.
	35	US-6,314,324	11-06-2001	LATTNER et al.
	36	US-6,345,202	02-05-2002	RICHMOND et al.
	37	US-6,360,740	03-26-2002	WARD et al.
	38	US-6,411,852	06-25-2002	DANEK et al.
	40	US-2002/0049479 A1	04-25-2002	PITTS

OTHER PRIOR ART – NONPATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	41	LOEB et al. "Development of Asynchronous Intralingual Electrical Stimulation to Treat Obstructive Sleep Apnea", Alfred E. Mann Institute for Biomedical Engineering, University of Southern California, (09/17/2003), presented at Proceedings of the 25th Annual EMBS International Conference , Cancun, Mexico	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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